

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:) Art Unit: 1636
BRO, et al.) Examiner: SCHLAPKOHL, W.
Serial No.: 10/613,219) Washington, D.C.
Filed: July 7, 2003) Date: August 27, 2007
For: METABOLICALLY ENGINEERED) Docket No.: BRO=1
MICRO-ORGANISMS HAVING IMPROVED)
GALACTOSE UPTAKE) Confirmation No.: 7056

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

U.S. Patent and Trademark Office
Customer Service Window
Randolph Building, Mail Stop AF
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated February 27, 2007 of the Primary Examiner. The claims appealed are 1, 4-6, 9-12, 15, 17, and 21-26.

The item(s) checked below are appropriate:

Small entity status of this application under 37 CFR 1.9 and 1.27 has been previously asserted.

Applicant claims small entity status. See 37 CFR 1.27.

The fee has been calculated as shown below:

\$500.00

\$250.00 (small entity)

Not required (fee paid in prior appeal)

Conditional Petition for Extension of Time

If any extension of time for a response is required applicant requests that this be considered a petition therefor.

Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Response filed within:

first - \$ 60.00

second - \$225.00

third - \$510.00

fourth - \$795.00

Response filed within:

first - \$ 120.00

second - \$ 450.00

third - \$1,020.00

fourth - \$1,590.00

month after time period set. month after time period set.

Less fees (\$60.00) already paid for one month extension of time on June 27, 2007.

Check number _____ in the amount of \$_____ is attached.

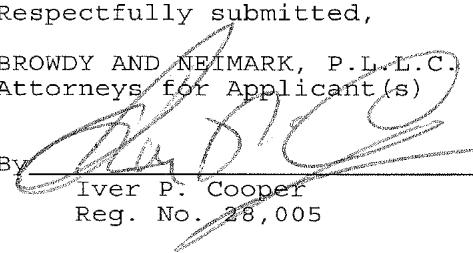
Credit Card Payment Form, PTO-2038, authorizing payment in the amount of \$700.00 is attached.

XX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

XX The Commissioner is hereby authorized and requested to charge any additional fees which may be required in connection with this application or credit any overpayment to Deposit Account No. 02-4035. This authorization and request is not limited to payment of all fees associated with this communication, including any Extension of time fee, not covered by check or specific authorization, but is also intended to include all fees for the presentation of extra claims under 37 CFR Section 1.16 and all patent processing fees under 37 CFR Section 1.17 throughout the prosecution of the case. This blanket authorization does not include patent issue and publication fees under 37 CFR Section 1.18.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
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